

Best Available Copy



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,391	02/15/2001	Robert H. Whitcher	066303.0124	2369

7590 07/16/2003

Barton E. Showalter, Esq.
Baker Botts L.L.P.
6th Floor
2001 Ross Avenue
Dallas, TX 75201-2980

[REDACTED] EXAMINER

BOAKYE, ALEXANDER O

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2667

DATE MAILED: 07/16/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

M

Office Action Summary	Application No.	Applicant(s)
	09/785,391	WHITCHER ET AL. <i>JP</i>
	Examiner	Art Unit
	Alexander Boakye	2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 February 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5,8-10,13,16,17,23 and 26 is/are rejected.
- 7) Claim(s) 3,4,6,7,11,12,14,15,18-22,24 and 25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____ .
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2-3,5,7</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 9, 10, 13, 17, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renucci et al. (US Patent # 6,512,762) in view of Dailey. (US Patent # 6,466,651).

Regarding claim 1, Renucci discloses : a telecommunication interface (Fig. 1 @ 32 ; column 4, line 12) operable to receive telecommunication information from the telecommunication network (Fig. 1 @ 20) for communication to the customer premises equipment (Fig. 1 @ 14 ; column 4, lines 44-51); a management module (Fig. 1 @ 38 ; column 4, line 17); a compression module (Fig. 4 @ 102 ; column 8, line 42) operable to compress the telecommunication information using the selected compression algorithm(column 9, lines 21-27); a packetization module (Fig. 4 @ 104) operable to generate data packets fro communicating the telecommunication information (column 9, lines 35-38).

Renucci teaches all the subject matter of the claimed invention with exception of determining a bandwidth available. However, Dailey from the same or similar fields of endeavor teaches determining a bandwidth available (column 13, lines 1-5 ; see Fig.7 @ 705 and 745). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use determine a bandwidth available as taught by Dailey in the communication network of Renucci et al. The determining a bandwidth available of Dailey can be modified/implemented by connecting bandwidth available block 705, Fig. 7 of Dailey between block 314 and block C, Fig. 10A of Renucci. The motivation for using the bandwidth available as taught by Dailey in the communication network of Renucci et al. being that it provides avoidance of traffic congestion, thus enhancing line quality.

Regarding claims 2, and 10, Renucci teaches that the customer premises equipment (Fig. 1 @ 14) is an integrated device (IAD) operable to receive the data packets using a digital subscriber line (column 7, lines 23-26). Renucci teaches all the subject matter of the claimed invention with exception of a media terminal adapter (MTA) operable to receive the data packets using a cable line. However, Dailey from the same or similar fields of endeavor teaches a media terminal adapter (Fig. 1 @ 110) operable to receive the data packets using a cable line (the claimed cable line reads on the line connecting cable modem, 120 and MTA as indicated in Fig. 3).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a media terminal adapter as taught by Dailey in the communication network of Renucci et al. The media terminal adapter of Dailey can be

modified/implemented by connecting the media terminal adapter to the subscriber line ,
46 Fig. 1 of Renucci. The motivation for using the media terminal adapter as taught
by Dailey in the communication network of Renucci being that it provides multi-media
services to users.

Regarding claim 5, Renucci teaches a memory (Fig. 4 @ 109 ;column 9, line 61) operable to store customer premises information associating the customer premises equipment with more compression algorithms (column 9, lines 60-62). Renucci also teaches that the management module is further operable to select the compression algorithm for the telecommunication information using the customer premises information (Fig. 1 @ 14; column 5, lines 31-33).

Regarding claim 9, Renucci discloses: receiving telecommunication information from the telecommunication network (Fig. 1 @ 16) for communication to the customer premises equipment (column 3, lines 63-66) ; selecting a compression algorithm (column 9, lines 21-27) ; compressing the telecommunication information using the selected compression algorithm(column 9, lines 21-26); and generating data packets for communicating the telecommunication information(column 3, lines 63-66). Renucci teaches all the subject matter of the claimed invention with exception of determining a bandwidth available.

However, Dailey from the same or similar fields of endeavor teaches determining a bandwidth available (column 13, lines 1-5 ; see Fig. 7 @ 705 and 745). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use determining a bandwidth available as taught by Dailey in the

Art Unit: 2667

communication network of Renucci et al. The determining a bandwidth available of Dailey can be modified/implemented by connecting bandwidth available block 705, Fig. 7 of Dailey between block 314 and C, Fig. 10A of Renucci. The motivation for using the bandwidth available as taught by Dailey in the communication network of Renucci et al. being that it provides avoidance of traffic congestion, thus improving line quality.

Regarding claim 13, Renucci discloses: storing customer premises information (Fig. 4 @ 109) associating the customer premises equipment with more compression algorithm(column 9, lines 60-62) ; and selecting the compression algorithm for the telecommunication information using the customer premises information (column 5, lines 31-33 ; see Fig. 1 @ 14).

Regarding claim 17, Renucci discloses: a gateway (Fig. 1 @ 22 ; column 3, line 59) operable to receive telecommunication information from the telecommunication network (Fig. 1 @ 16) for communication to the customer premises equipment (column 3, lines 63-66), to select one of a plurality of a compression algorithm (column 9, lines 21-27), to compress the telecommunication information using the selected compression algorithm(column 9, lines 21-26), and to generate data packets for communicating the telecommunication information(column 3, lines 63-66). Renucci teaches all the subject matter of the claimed invention with exception of determining a bandwidth available.

However, Dailey from the same or similar fields of endeavor teaches determining a bandwidth available (column 13, lines 1-5 ; see Fig. 7 @ 705 and 745). Thus, it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2667

invention was made to use determining a bandwidth available as taught by Dailey in the communication network of Renucci et al. The determining a bandwidth available of Dailey can be modified/implemented by connecting bandwidth available block 705, Fig. 7 of Dailey between block 314 and C, Fig. 10A of Renucci. The motivation for using the bandwidth available as taught by Dailey in the communication network of Renucci et al. being that it provides avoidance of traffic congestion.

Regarding claim 18, Renucci discloses: a digital subscriber line access multiplexer (column 3, lines 42-43; see Fig. 1 @ 26) operable to communicate the data packets generated by the gateway to the customer premises equipment using a digital subscriber line (column 3, lines 59-66).

Regarding claim 23, Renucci teaches that the customer premises equipment communicates, to the gateway (column 3, line 66-column 4, lines 1-3), compression information indicating more compression algorithms (column 9, lines 21-27) supported by the customer premises equipment, the gateway receives the compression information and selects the compression algorithm (the compression module residing at the gateway selects the compression algorithm; column 9, lines 21-27) for the telecommunication information from the compression algorithms supported the customer premises equipment (Fig. 1 @ 14).

2. Claims 8, 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renucci et al. (US Patent # 6,512,762) in view of Dailey (US Patent # 6,466,651) and further in view of Shaffer et al. (US Patent # 6,327,364).

Art Unit: 2667

Regarding claims 8, 16 and 26, the combination of Renucci and Dailey teaches management module operable to select the compression algorithm (column 5, lines 31-35, column 9, lines 21-27). The combination of Renucci and Dailey does not teach a threshold bandwidth for other applications. However, Shaffer et al. from the same or similar fields of endeavor teaches threshold bandwidth for other applications (column 2, lines 36-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Shaffer's communication network including the threshold bandwidth into the combination of Renucci and Dailey with the motivation being that to prevent data overflow, thus enhancing line quality.

Allowable Subject Matter

3. Claims 3, 4, 6, 7, 11, 12, 14, 15, 18-22, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (703) 308-9554. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax number is (703)- 872

Art Unit: 2667

9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-4750.

Alexander Boakye

Patent Examiner

AB

7/6/03.



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 7/14/02